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Baker Botts LLP 2001 Ross Avenue Dallad, TX 75201-2980			EXAMINER CHOUDHARY, ANITA	
			ART UNIT 2153	PAPER NUMBER

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,938

Applicant(s)

TYRRELL, D'ARCY M.

Examiner

Anita Choudhary

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on July 8, 2004 under 37 CFR 1.312 has been entered. Claims 1, 9, and 14 have been amended and are presented for further examination.

Claims 1-20 are presented.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

However, Applicant asserts that Austin does not teach determining whether a render job is to be performed locally or remotely. This argument has been considered but is not persuasive. Attention is brought to column 17 lines 51-61 of Austin's disclosure, wherein Austin shows a local Document Manager (DM) and Document Agent (DA) able to send jobs to remote services by mapping the job description to a remote DM. Figure 15 further illustrates this embodiment, wherein a remote DM is shown to distribute render jobs to its virtual services (not shown in figure), which are remote relative to the DM above it. It is therefore Examiner's conclusion that Austin does in fact clearly teach whether the render job is to be performed locally or remotely based in part to the job description.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on July 23, 2003; January 6, 2004, July 8 2004; and August 10, 2004 have been filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11 and 13-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al. (US 5,761,396) in view of Davis, III et al. (US 5,977,965).

In referring to claim 1 and 14, Austin shows a system for local and remote document processing of jobs. Each document processing system consists of at least a first and second virtual service (VS1, VS2, ... fig. 13) used to store and process first and second jobs of an image data. The virtual services are implemented as software or hardware or a combination of the two (col. 16 lines 50-53). Austin shows:

- A local rendering system operable to receive and render a render job (composite job) having a plurality render frames (compound segments) and associated job descriptions ( $d_j$ ) (col. 11 lines 1-28).

Art Unit: 2153

- At least one remote rendering system (fig. 15, col. 17 lines 56-61) comprising a plurality of remote render servers (virtual services) and a second schedule server (document manager) coupled to the plurality of remote render servers (virtual services) and operable to receive from the local rendering system (fig. 13) the render job (composite job) and render the render job by distributing the render frames (first and second copy of frames) of the render job to at least two of the plurality of remote servers (VS1 and VS2) and further operable to return a result of the render job to the local rendering system (fig. 15) (col. 17 lines 37-61).
- Wherein the local rendering system comprises a plurality of local render servers (virtual services) a first schedule server coupled to the plurality of local render servers and operable to determine, based at least in part on the job description, whether to render the render job locally by distributing one or more different render frames of the render job to at least two of the plurality of local render servers or to send the render job to the at least one remote rendering system for distributed rendering (col. 17 lines 37-56, see also Response to Arguments section above).
- Wherein the first schedule server (document manager) is operable to collect and deliver to a remote rendering system (fig. 15), via a first hot folder (fig. 5, 76, col. 17 lines 18-26) and a communication medium, information associated with the render job.

Although Austin shows substantial features of the claimed invention, Austin does not particularly point out the *render job being associated with motion sequence of graphic images, wherein the render job has one or more different render frames*. Nonetheless these features are well known in the art, and would have been an obvious modification to the system disclosed by Austin, as evidenced by Davis.

Art Unit: 2153

In an analogous art, Davis shows a method for rendering a plurality of different frames of a motion picture at a plurality of rendering units and subsequently assembling the different rendered frames to form a motion picture image. Davis explains how rendering of multiple frames can be time consuming and relatively intensive and therefore dividing the processing required to render the multiple different frames of the motion picture job can be handled by distributed frame rendering at independent rendering units (fig. 3 and col. 2 lines 16-29). Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the features shown by Austin to employ the feature demonstrated by Davis, in order to render the multiple frames of a motion picture more quickly and efficiently than before.

In referring to claim 2, Austin shows a resource server (distribution agent) and a remote render service operable to create render slots for processing the render job (job ticket at the VS, col. 18 lines 43-55).

In referring to claim 3, Austin shows the second schedule server (documents manager, fig. 15) operable to receive a render job from the local rendering system via a second hot folder (76) and distribute the job to at least two remote services based on information provided in the job description (dj and table in fig. 13) and further based on information in resource database (distribution agents database- db) (col. 17 line 62- col. 18 line 29).

In referring to claim 4, Austin shows a new job queue (S3a.b) and outsourced job queue (fig. 15), wherein the distribution agent is able to move the job from new job queue to outsourced job when the job description specifies remote rendering (col. 17 line 56-61).

In referring to claim 5, Austin shows that the remote rendering system is able to queue incoming jobs from the local rendering system as active jobs (col. 18 lines 35-39).

In referring to claim 7, Austin shows that the second schedule server is operable to deliver the completed render job to the local rendering system via the communication medium shown in fig. 15.

In referring to claim 8, 13, and 19, Austin shows the document manager is able to store and transmit completed jobs by placing them into storage and notifying the supplier of the completion of render job. The document manager is able to remove the job from an outsource job queue comprising one or more render jobs sent to the remote rendering system (col. 18 lines 30-55).

In referring to claim 9, in addition to **claims 1 and 4 above**, Austin shows the delivering of jobs to remote system and advancing a queue as jobs are processed (col. 17 lines 27-46).

In referring to claim 10, Austin shows the job profile is based on job description provided by a client (col. 11 lines 1-28).

In referring to claim 11 and 18, Austin shows delivering a render job from a first hot folder (fig. 5, 76) located at distribution agent which is coupled to document manager, to a second hot folder at a distribution agent remotely located from first distribution agent, and coupled to a remote document manger (fig. 13 and 15, col. 17 lines 18-26 and 56-61). The remote rendering system is able to queue incoming jobs from the local rendering system as active jobs (col. 18 lines 35-39).

Art Unit: 2153

In referring to claim 15, Austin shows redirecting request by the remote services to access the associated files from a central file storage location at distribution agent (col. 17 lines 18-26).

In referring to claim 16, Austin shows the remote services writing an output file associated with the render job to a central storage area at the document processor (col. 18 lines 56-65).

In referring to claim 17, Austin shows the document processing results are stored at virtual service.

In referring to claim 20, Austin shows the document manager is able to determine whether to render the render job at the first or second rendering site (col. 17 lines 56- col. 18 line 30).

#### ***Allowable Subject Matter***

Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2153


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita Choudhary

  
FRANTZ B. JEAN  
PRIMARY EXAMINER